



City Council Meeting

Draft Minutes/Synopsis

Tuesday, June 23, 2020

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



MINUTES OF THE CITY COUNCIL MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 23, 2020

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer’s March 16, 2020 Shelter in Place Order, the City Council Meeting was not physically open to the public; it was teleconferenced from remote locations. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations. The Council of the City of San José convened in a Regular Session at 11:02 AM on Tuesday, June 23, 2020. (See Page 28 for Closed Session Minutes.)

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Diep, Carrasco, Davis, Arenas, Foley, Khamis.

Absent: Councilmembers - Esparza.

• CALL TO ORDER AND ROLL CALL: 11:02 AM.

INVOCATION

(District 6: Rev. Susan Overland, Center of Spiritual Living)

PLEDGE OF ALLEGIANCE

Mayor Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon substitute motion by Councilmember Pam Foley to move approval of Orders of the Day, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were accepted, with items 3.10 added. [* See new item 3.10, " Extension of Proclamation of Local Emergency Related to Covid-19" added under Orders of the Day, requires a determination by a two-thirds (2/3) vote of the Members of the Council present at the meeting, or, if less than two-thirds (2/3) of the Members of the Council are present at the meeting, a unanimous vote of those members present that there is a need to take immediate action and the need to take action arose after Rules. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.F.1.b; Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d); Placement of Council Agenda Items After Rules, Resolution No. 79485. (10-0-1. Absent: Esparza)

• CLOSED SESSION REPORT

No Report.

1. CEREMONIAL ITEMS

None presented.

2. CONSENT CALENDAR

Public Comments: Offering comments on the Consent Calendar were: Roland Lebrun and Blair Beekman.

Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved, with items 2.6, 2.2, and 2.13 pulled, and the below listed actions taken as indicated.

(10-0-1. Absent: Esparza)

2.1 Approval of City Council Minutes.

2.2 20-718 Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30431 An Ordinance of the City of San José Amending Section 24.12.300 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code Related to the Reach Code Requirements for Mixed Fuel Buildings to make Clerical Edits.

[Passed for Publication on 6/9/2020 - Item 2.10(c) (20-618)]

Councilmember Johnny Khamis sought to register a no vote for this item.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Dev Davis, and carried unanimously, **Ordinance No. 30431** was adopted.

(9-1-1. Absent: Esparza. Noes: Khamis)

(b) Ord No. 30432 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 6.96-Gross Acres Situated on the West Side of Lick Avenue, Approximately 470 Feet North of West Alma Avenue (1197 Lick Avenue) from the A(PD) Planned Development Zoning District to the R-M (PD) Planned Development Zoning District.

[Passed for Publication on 6/9/2020 - Item 10.2(b) (20-602)]

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Ordinance No. 30432** was adopted.

(10-0-1. Absent: Esparza)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

Councilmember Davis provided updates on Retirement Services for both Police and Fire Board as well as Federated Board market volatility over the last few months and responded to questions.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Report from the Council Liaison to the Retirement Boards was accepted.

(10-0-1. Absent: Esparza)

2.7 20-675 Amendment to the Lease of Airport Premises with Jet Center Property Services.**Recommendation:**

Approve a Third Amendment to Lease of Airport Premises with Jet Center Property Services, LLC to extend the term for five years, from July 1, 2020 through June 30, 2025, with annual revenue to the City of approximately \$195,492.

CEQA: Not a Project, PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

Action: Amendment to the Lease of Airport Premises with Jet Center Property Services, was approved.

2.8 20-676 Amendments to Ground Lease and Operating Agreements for the Norman Y. Mineta San José International Airport to Revise Ground Rent Appraisal Provisions.**Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute amendments to ground lease and operating agreements at the Norman Y. Mineta San José International Airport to:

- (a) Revise ground rent appraisal adjustment provisions to streamline and simplify appraisal processes going forward; and
- (b) Address any appraisal-based rent adjustments that were not made in accordance with the terms of any such ground lease and operating agreements.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

Action: **Resolution No. 79607** was adopted.

2.9 20-677 Amendment to Master Consultant Services Agreement with AECOM Technical Services, Inc. for Airport On-Call Professional Consulting Services.**Recommendation:**

Approve a First Amendment to the Master Consultant Services Agreement with AECOM Technical Services, Inc. for professional consulting services, extending the term from June 30, 2020 to December 31, 2021, with no change in maximum compensation.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Action: Amendment to Master Consultant Services Agreement with AECOM Technical Services, Inc. for Airport On Call Professional Consulting Services, was approved.

2.10 20-678**Amendment to Master Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc. for Airport On-Call Professional Consulting Services.****Recommendation:**

Approve a First Amendment to the Master Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc. for professional consulting services, extending the term from June 30, 2020 to December 31, 2021, with no change in maximum compensation.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Action: Amendment to Master Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc. for Airport On Call Professional Consulting Services, was approved.

2.11 20-679**Approve an Ordinance Amending the Police and Fire Department Retirement Plan and the 1975 Federated Employees' Retirement Plan Regarding Repayment of Rehired Tier 1 Member Amortization Interest Costs. -****Recommendation:**

Approve an ordinance amending Section 3.28.200 of Chapter 3.28 and Section 3.36.410 of Chapter 3.36 of Title 3 of the San José Municipal Code regarding Rehired Tier 1 Member Amortization Interest Costs to clarify certain provisions of the Alternative Pension Reform Settlement Framework Agreement with the City's employee bargaining units.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)

Action: Deferred to 6/30/2020 Per Administration.

2.12 20-706**California Community Choice Association Membership.****Recommendation:**

Adopt a resolution authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2020-2021 at a cost not to exceed \$500,000.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Community Energy)

Action: **Resolution No. 79588** was adopted.

2.13 20-642

Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2020-2021.**Recommendation:**

Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:

(a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act (WIA)) Program and workforce programs funded by other sources, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2020 to June 30, 2021 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(b) All memorandums of understanding with Required and Additional One Stop Partners for the period July 1, 2018 to June 30, 2022 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement;

(c) All amendments to City Council approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(d) All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2020 to June 30, 2021, subject to annual appropriation of funds by the WDB;

(f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2021), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement; and

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2.13 20-642**Annual Authorization for Workforce Innovation and Opportunity Act (Cont'd)**

(g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2021).

CEQA: Not a Project, File No. PP17 004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment. (Economic Development)

Office of Economic Development Assistant Director Jeff Roster and Work2future Division Manager Monique Melcher provided update on the Workforce Innovation and Opportunity Act Program and observed that Workforce 2.0 was just a starting point and is winding down. We are now heading to 3.0 and we will be re-examining apprenticeship and other opportunities in light of covid-19.

Public Comments: Tessa Woodmansee commented we should be supporting people not businesses, emphasizing change to fossil fuel-free jobs.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79589**, was adopted and staff report, was approved.
(10-0-1. Absent: Esparza)

2.14 20-680**Amendment to the Sublease with Roem Development Corporation for Spartan Keyes Neighborhood Action Center.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute:

(a) The Fifth Amendment to the Sublease for the Use of Real Property for the Spartan Keyes Neighborhood Action Center between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet of commercial space for community gatherings as well as office space for staff through June 30, 2025; and

(b) Two additional five-year options to extend the term, at the City's sole discretion.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Economic Development)

Action: **Resolution No. 79590** was adopted.

2.15 20-643**Approval of Non-Profit Charitable Reuse Agreements with Goodwill of Silicon Valley, The Salvation Army, and HOPE Services.****Recommendation:**

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2020 through June 30, 2021.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

Action: The Non Profit Charitable Reuse Agreements with Goodwill of Silicon Valley, The Salvation Army, and HOPE Services, was approved.

2.16 20-681

Set a Public Hearing for Fiscal Year 2020-2021 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation:

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 4, 2020, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via teleconference should the City Council not meet in-person, to approve the placement of the 2020-2021 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2020-2021 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;

(b) Direct the Director of Finance to file the Fiscal Year 2020-2021 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2020 instead of July 5, 2020; and

(c) Direct the City Clerk to publish notice of the filing of the Director’s reports, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Action: **Resolution No. 79591** was adopted.

2.17 20-682

Set a Public Hearing for Fiscal Year 2020-2021 Annual Residential Solid Waste Collection Service Charges.

Recommendation:

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 4, 2020, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via teleconference should the City Council not meet in-person, to approve the placement of the 2020-2021 annual Residential Solid Waste Collection Service Charges on the 2020-2021 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Direct the City Clerk to publish notice of the filing of the Director’s report, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Action: **Resolution No. 79592** was adopted.

2.18 20-683

Tax Collection Agreement between the City of San José and the County of Santa Clara for the San José Real Property Conveyance Tax and San José Real Property Transfer Tax.

Recommendation:

Approve the amended and restated agreement between the City of San José and the County of Santa Clara providing for the notification, demand, collection, and distribution of taxes under the San José Real Property Conveyance Tax Ordinance and San José Real Property Transfer Tax Ordinance.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

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2.18 20-683 Tax Collection Agreement between the City of San José and the (Cont'd)

Action: The Tax Collection Agreement between the City of San José and the County of Santa Clara for the San José Real Property Conveyance Tax and San José Real Property Transfer Tax, was approved.

2.19 20-644 Actions Related to the Purchase Order for Hazardous Waste Pickup/Disposal Services, Equipment, and Supplies.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a citywide purchase order with Environmental Logistics, Inc. (Hayward, CA) for Hazardous Waste Pickup/Disposal Services, Equipment and Supplies for an initial twelve-month period starting on or about July 1, 2020 and ending on or about June 30, 2021, for an amount not-to exceed \$550,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about June 30, 2025, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-011, CEQA Guidelines Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. (Finance)

Action: **Resolution No. 79593** was adopted.

2.20 20-684 Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for Brokerage Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to amend the term by adding one twelve-month option to extend the term for July 1, 2020 through June 30, 2021, for a not-to-exceed amount of \$105,000, for the extended term, with a total maximum compensation not to exceed \$736,000, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79594** was adopted.

2.21 20-685 Actions Related to COVID-19 Purchase Orders for Rental Services for City Homeless Shelters.**Recommendation:**

- (a) Ratify COVID-19 purchase orders issued to AAA Mobile Solutions, Inc. (Visalia, CA) for shower/laundry trailer rental services for a total not-to-exceed amount of \$900,000 and to S. J. General Building Maintenance, Inc. (San José, CA) for custodial services for a not-to-exceed amount of \$600,000, for a total cumulative compensation not-to-exceed amount of \$1,500,000 starting on or about March 20, 2020 and ending on or about June 20, 2020.

Action: Actions Related to COVID 19 Purchase Orders for Rental Services for City Homeless Shelters, was approved.

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2.21 20-685 Actions Related to COVID-19 Purchase Orders for Rental Services for ... (Cont'd)

(b) Adopt a resolution authorizing the City Manager to execute change orders to extend the term of the purchase orders through September 30, 2020 as required, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79595** was adopted.

2.22 20-686 Actions Related to the Purchase Order with Golden State Fire Apparatus, Inc. for Purchase of Fire Apparatuses.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Golden State Fire Apparatus, Inc. (Sacramento, CA) for the purchase of fire apparatuses under the pricing obtained through the cooperative agreement between the Houston-Galveston Area Council and Golden State Fire Apparatus for a period starting on or about June 24, 2020 and ending on or about November 30, 2021, for an amount not-to-exceed \$4,367,704; and

(b) Approve a contingency of \$436,770 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79596** was adopted.

2.23 20-687 Amendment to Revenue Enhancement Service Agreements with MuniServices, LLC.

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute amendments to the agreements with MuniServices LLC, dba Avenu MuniServices, LLC, a Delaware Limited Liability Company to extend:

(a) Sales and Use Tax revenue enhancement services and data analysis and reporting services for one additional term of six (6) months, for the period of July 1, 2020 through December 31, 2020, at a maximum compensation for the extended term not to exceed \$206,000, and a total maximum compensation not to exceed \$2,163,000 for the primary services phase and data analysis and reporting phase of the agreement (October 1, 2015 - December 31, 2020), subject to the appropriation of funds, and to extend the completion services phase of the agreement an additional six (6) months through December 31, 2023 at no additional compensation; and

(b) Telephone Line Tax, Utility Users Tax and Franchise Fee compliance services for one additional term of six months, for the period of July 1, 2020 through December 31, 2020, at a maximum compensation not to exceed \$35,000 for the extended term, and a total maximum compensation not to exceed \$367,500 for the term of the agreement (October 1, 2015 - December 31, 2020), subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79597** was adopted.

2.24 20-708

Award of Grant Funds for Disaster Financial Assistance and Recovery and Resiliency Planning Services for Neighborhoods Affected by the 2017 Coyote Creek Flood.

Recommendation:

Adopt a resolution authorizing the Director of Housing to negotiate and execute agreements with Catholic Charities of Santa Clara County and International Children Assistance Network to provide recovery and resilience planning services to low-income people living in neighborhoods affected by the 2017 Coyote Creek Flood, from July 1, 2020 through June 30, 2021 in the amount of \$899,114 for each agreement for a total not to exceed \$1,798,228; and to execute one six-month option to extend the term of the agreements through December 31, 2021.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment. (Housing)

Action: **Resolution No. 79598** was adopted.

2.25 20-688

Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2020-2021 Agreements.

Recommendation:

Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment A to the staff memorandum);
- (b) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment A to the staff memorandum for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
- (c) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2020-2021 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B to the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ;
 - (a) Neighborhood Grant Program;
 - (b) Fiscal Agent Agreement;
 - (c) Transitional Jobs Program (San José Bridge);
 - (3) Bringing Everyone's Strengths Together Grants;
 - (4) Citywide Aquatics Program;
 - (5) Neighborhood Center Partner Program;
 - (6) County of Santa Clara Therapeutics Program;

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2.25 20-688**Authorization to Negotiate and Execute Parks, Recreation and (Cont'd)**

- (7) Family Camp Facility Use Agreements;
- (8) First 5 of Santa Clara County;
- (9) Franklin-McKinley Children's Initiative;
- (10) Friends of PRNS Non-Profit Organizations;
- (11) Golf Course Agreements;
- (12) Grant Revenue Agreements;
- (13) Happy Hollow Park & Zoo:
 - (a) Education Programs;
 - (b) Private Events;
- (14) Leisure and Recreation Fee Class Vendor Agreements;
- (15) Leisure and Recreation Program, and Training and Development Facility Use Agreements;
- (16) Little League Agreement(s);
- (17) Mayor's Gang Prevention Task Force:
 - (a) Facility Use;
 - (b) Grantee, Grant Revenue, Evaluation, and related Sub-Contractor Agreements, where applicable;
 - (c) Memoranda of Understanding;
- (18) Mitigation Monitoring and Park Maintenance Support Services;
- (19) Park Concessionaires Agreements;
- (20) Recreation of City Kids Program;
- (21) Right-of-Entry Agreements;
- (22) Safe Summer Initiative Grants;
- (23) Senior Health and Wellness Grants;
- (24) Spartan Keyes Neighborhood Action Center Grant;
- (25) Sponsorship Agreements;
- (26) St. James / Urban Park Activation Grants; and
- (27) Summer Food Service Program.

CEQA: BeautifySJ Grant Program: Categorically Exempt, File No. PP17-039, CEQA Guidelines Section 15301, Existing Facilities; and All Other Agreements: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 79599** was adopted.

2.26 20-709**Amendments to Master Agreements for Urban Village Master Plans and Other Projects to Implement Envision San José 2040 General Plan.****Recommendation:**

Adopt a resolution authorizing the City Manager to increase the maximum aggregate compensation to the Master Consulting Agreements for Urban Village Master Plans and other City projects from \$6,000,000 to \$9,000,000, for the initial term ending November 2020 and the three one-year options, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Planning, Building and Code Enforcement)

Action: **Resolution No. 79600** was adopted.

2.27 20-689 Request Authorization to Apply for the Local Early Action Planning Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager or designee to apply for the Local Early Action Planning Grant administered by the California Department of Housing and Community Development (HCD); and, if awarded, authorizing the City Manager or designee to accept grant funding from HCD to be used for various planning efforts to facilitate housing production including an update to the Housing Element of the Envision San José 2040 General Plan as required by state law.
CEQA: Not a Project, File No. PP17-006, Grant Application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

Action: **Resolution No. 79601** was adopted.

2.28 20-690 Amendment to the Master Agreement with Ten Over Studios, Inc. (CPMS No. 9030-B) for Architectural Services for Various Essential City Facility Projects.

Recommendation: Approve the First Amendment to the Master Agreement with Ten Over Studios, Inc. for Architectural Services to increase the compensation limit by \$1,000,000, for a total Agreement amount not to exceed \$4,000,000, for the sole purpose of allowing the Consultant to complete work on the new Fire Training Center and Emergency Operations Center Relocation project.
CEQA: Not a Project, File No. PP17-003, Agreements / Contracts resulting in no physical changes to the environment. (Public Works)

Action: Amendment to the Master Agreement with Ten Over Studios, Inc. (CPMS No. 9030 B) for Architectural Services for Various Essential City Facility Projects, was approved.

2.29 20-691 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Including Approval of the Program Workplan and the Rule 20B (In Lieu Fee) Undergrounding Master Plan.

Recommendation: (a) Approve the proposed Fiscal Year 2019/20- 2024/25 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
(b) Approve the Fiscal Year 2018-2019 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.
CEQA: Not a Project, File No. PP 17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: Actions Related to the Rule 20A and Rule 20B (In Lieu Fee) Underground Utility Program Including Approval of the Program Workplan and the Rule 20B (In Lieu Fee) Undergrounding Master Plan, was approved.

2.30 20-692 Report on Bids and Award of Construction Contract for the 6302 - Rule 20B Underground District - Delmas/Park Project.

Recommendation: (a) Report on bids and award of construction contract for the 6302 - Rule 20B Underground District - Delmas/Park ("Project") to the low bidder, Lewis & Tibbitts, Inc., in the amount of \$1,572,274, and approve a contingency in the amount of \$157,227.
(b) Approve an Agreement to Perform Tariff Schedule Related Work with Pacific Gas and Electric Company (PG&E) in the total amount of \$457,908 for the engineering, administration, trench permits, and other work to be performed by PG&E for the Project.
CEQA: Categorically Exempt, File No. PP16-106, CEQA Guidelines Section 15302, Replacement or Reconstruction of Existing Facilities. Council District 3. (Public Works)

Action: Report on Bids and Award of Construction Contract for the 6302 Rule 20B Underground District Delmas/Park Project, was approved.

2.31 20-693 2020 Local Streets Minor ADA #5 Project Contingency Increase.

Recommendation: Approve increasing the contingency established for the 9490 - 2020 Local Streets Minor ADA #5 project, from 10 to 20 percent, thereby increasing the total from \$49,342 to \$98,684, to pay for necessary additional work.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 8 and 10.
(Transportation)

Action: The 2020 Local Streets Minor ADA #5 Project Contingency Increase, was approved.

2.32 20-694 San José Diridon Station Integrated Concept Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute:
(a) A first amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority, Caltrain, and the California High Speed Rail Authority related to the Diridon Integrated Station Concept Plan to include the Metropolitan Transportation Commission as a participating agency; and
(b) A funding agreement for this collective effort allowing the City to contribute an amount not to exceed \$1,000,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6.
(Transportation)

Action: **Resolution No. 79602** was adopted, and the San José Diridon Station Integrated Concept Plan, was approved.

2.33 20-752**Approval of District 6 Community Outreach Funds for District 6 School.****Recommendation:**

As recommended by the Rules and Open Government Committee on June 17, 2020, approve a \$5,000 grant to the Willow Glen Education Foundation, for support due to COVID-19 restrictions, they were unable to host their largest fundraising this year, Tasting and Auction 2020.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 6/17/20 - Item G.2]

Action: The District 6 Community Outreach Funds for District 6 School, was approved.

2.34 20-753**Approval of District 6 Community Outreach Funds for District 6 School.****Recommendation:**

As recommended by the Rules and Open Government Committee on June 17, 2020, approve a \$10,000 grant to the Hoover Middle School PTSA, to build positive community for students, teachers, and families through such programs as campus beautification, teacher and staff development, and extra-curricular activities for students.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 6/17/20 - Item G.3]

Action: The District 6 Community Outreach Funds for District 6 School, was approved.

2.35 20-754**Approval of District 6 Community Outreach Funds for District 6 School.****Recommendation:**

As recommended by the Rules and Open Government Committee on June 17, 2020, approve a \$5,000 grant to the Willow Glen Performing Arts Boosters, for support due to COVID-19 restrictions, they were unable to host their biggest fundraising this year, The Roaring 20's GALA.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 6/17/20 - Item G.4]

Action: The District 6 Community Outreach Funds for District 6 School, was approved.

2.36 20-756**Agreement with San José Conservation Corps for Food Distribution Workforce Support.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement between the City of San José and San José Conservation Corps, (San José, CA) to provide Disaster Relief Support for Limited Duration to provide food distribution workforce support to the Second Harvest of Silicon Valley beginning June 23, 2020, and ending on August 23, 2020, with a maximum compensation not to exceed \$1,137,784.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
[Rules Committee referral 6/17/20 - Item A.1.a]

Action: **Resolution No. 79603**, was adopted.

3. STRATEGIC SUPPORT

3.1 20-695 Report of the City Manager, David Sykes.

Recommendation: (a) City Manager's COVID-19 Update (Verbal Report).
(b) City Manager's Report on Other City Matters (Verbal Report)

Heard before Consent

City Manager David Sykes provided updates regarding the City's response to COVID-19. The City Manager highlighted some of the great work being done by City staff, including the San José airport staff, for their great job in keeping travelers safe and the performance of efficient operations to ensure the public is safe. The airport technology team was responsible for helping all our employees that could work from home. The facilities and engineering team deployed safety measures throughout the terminals including deep cleaning facilities, installing plexiglass guards, as well as designing and building sanitation stations throughout the airport. The team helped maintain relationships and connections with all partners at the airport, including the Airlines and the Concessionaires. The Planning and Development team continued to do the work around moving forward with the masterplan approved by the Council in April. Also, the Marketing and Communications team did a great job of social media and other Forms by connecting with the public to instill trust and confidence that City's airport is safe. The City Manager showed a short video clip of the City's airport team effortlessly performing the operations to keep the airport running during this time.

Deputy City Manager Kip Harkness and the leadership team from the City's Emergency Operations Center provided updates including a focus on the City's roadmap of ensuring compliance with the public health order, continuing city services, supporting those most at risk as well as an update on testing work with the county and where we are in terms of looking ahead at the reopening process. The City moved to Stage 6 of our Pandemic Response Plan, (Planning for Re-Opening of City Services and Facilities), earlier this month. As Santa Clara County continues to ease restrictions under its Shelter-in-Place Order, he noted the Emergency Operations Center is working

closely

with City departments to plan for the re-opening of City services and facilities that were previously shut down. Stage 6 in the 10-stage plan is the City's preparation phase for when more services and facilities re-open in Stages 7 and 8 of the Pandemic Response Plan progression.

3.1 20-695 Report of the City Manager, David Sykes. (Cont'd)

Public Comments: Offering comments on the Report of the City Manager, were: Tessa Woodmansee, Moto G., Blair Beekman, Mary Blanco, Devin, Matt Mason, David Day, Last digits of telephone #: 4150, Last digits of telephone #: 2768, and Robben Curio.

Action: No motion was required. Council accepted the verbal report.

- **Council recessed for lunch at 1:11PM**
- **Council reconvened at 2:01PM**

3.2 Labor Negotiations Update.

3.3 20-696 Approval of Various Budget Actions for Fiscal Year 2019-2020.

Recommendation: Adopt the 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Heard before Consent Calendar

There was no presentation for this item.

Public Comments: Offering comments on the Approval of Various Budget Actions for Fiscal Year 2019 2020, were: Blair Beekman, Tessa Woodmansee, Unnamed speaker, Patrick, and Unnamed female speaker.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Ordinance No. 30436**, was adopted, and, **Resolution No. 79604** was adopted including approval of Memorandum from Councilmember Arenas to:

- 1) Accept staff report and supplemental memo
- 2) Direct the City Manager to prioritize in the Annual Report restoring \$175,000 from the End Fund Balance Reserve to the San José Police Department's priority spending plan for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve for the purpose of fully funding research, education, and outreach. (10-0-1. Absent: Esparza)

3.4 20-697 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2020-2021 Budget, and Resolution Establishing the Fiscal Year 2020-2021 Appropriation Limit.

Recommendation: (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2020-2021 and the Manager's Final Budget Addendum.

There was no presentation for this item.

Public Comments: Blair Beekman commented on police reform and allocation of resources.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Pam Foley, and carried unanimously, **Ordinance No. 30437** was adopted.

(10-0-1. Absent: Esparza)

(Item Continued on the Next Page)

3.4 20-697**Adoption of the Annual Appropriation Ordinance and Annual Funding (Cont'd)**

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2020-2021 and the Manager's Final Budget Addendum.

Action: **Resolution No. 79605** was adopted.

(c) Adopt a resolution taking the following actions with respect to the City's 2020-2021 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2020-2021 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2020-2021; and

(3) Establish the Fiscal Year 2020-2021 Appropriation Limit at \$1,250,242,221 in compliance with Article XIII B of the State Constitution.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Heard before Consent Calendar

Action: **Resolution No. 79606** was adopted.

3.5 20-698**Housing and Community Development Commission Real Property Transfer Tax Community Oversight Committee.****Recommendation:**

Adopt a resolution designating the City's Housing and Community Development Commission as the Community Oversight Committee, as outlined in the City's Measure E Real Property Transfer Tax ballot measure approved by the voters on March 3, 2020. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

There was no presentation for this item.

Public Comments: Offering comments were: Tessa Woodmansee, Blair Beekman, and Mathew Reid.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79608** was adopted.

(9-0-2. Absent: Davis, Esparza)

3.6 20-699**City of San José 2020 Tax and Revenue Anticipation Notes.****Recommendation:**

(a) Adopt a resolution:

(1) Authorizing the issuance and sale of the City of San José 2020 Tax and Revenue Anticipation Notes (the "2020 Notes") in an aggregate principal amount not to exceed \$130,000,000 to be sold through private placements; and

(Item Continued on the Next Page)

3.6 20-699**City of San José 2020 Tax and Revenue Anticipation Notes. (Cont'd)**

(2) Approving, in substantially final form, the Note Purchase Agreements and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreements with Bank of America, N.A., and U.S. Bank National Association and other related documents, as necessary, in connection with the issuance of the 2020 Notes and authorizing other related actions in connection therewith.

There was no presentation for this item.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79609 was adopted.

(10-0-1. Absent: Esparza)

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2020-2021:

(1) Increase the estimate for Other Revenue in the amount of \$130,000,000; and

(2) Increase the Citywide TRAN Debt Service appropriation to the Finance Department in the amount of \$130,000,000.

CEQA: Not a Project, File No. PPI7-004, Government Funding Mechanism, or Fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance/City Manager)

Heard before Consent Calendar

Action: **Ordinance No. 30438** was adopted, and **Resolution No. 79610** was adopted.

3.7 20-700**Streamlining Public Easement Vacation Process.****Recommendation:**

Adopt a resolution:

(a) Establishing an administrative process of setting public hearings for vacations; and
(b) Delegating to the Director of Public Works the authority to summarily vacate public service easements pursuant to the Streets and Highways Code.

CEQA: Not a Project, File No. PP17-008, General Procedures and Policy Making resulting in no changes to the physical environment.

(Public Works)

There was no presentation for this item.

Public Works Director Matt Cano responded to questions.

Public Comments: There were no cards.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79611** was adopted.

(10-0-1. Absent: Esparza)

3.8 20-701 Annual Development In-Lieu Fee Report.

Recommendation:

Adopt a resolution:

- (a) Accepting the Fiscal Year 2018-2019 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and
- (b) Making certain findings as required by Government Code Section 66001(d)(1). CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

There was no presentation for this item.

Public Works Director Matt Cano responded to questions.

Public Comments: Offering comments on the Annual Development In-Lieu Fee Report, were: Tessa Woodmansee, Robert Aguirre, and Blair Beekman.

Action: There was no motion for this item. Upon unanimous vote, **Resolution No. 79612** was adopted.
(10-0-1. Absent: Esparza)

3.9 20-757 COVID-19 Digital Inclusion Expenditure Plan.

Recommendation:

- (a) Accept the staff report and approve a funding strategy for proposed investment of Coronavirus Relief Funds in specific projects that provide broadband services and connectivity devices for unconnected and under-connected San José students and residents experiencing hardship accessing distance learning and critical services due to the impacts of the COVID-19 pandemic.

City Librarian Jill Bourne and Deputy City Manager Kip Harkness gave a presentation and responded to questions.

Public Comments: Offering comments on COVID 19 Digital Inclusion Expenditure Plan, were: Bonnie Mace, (from the Evergreen School District); Blair Beekman, Leon Phan, Dalia Borrego, Tessa Woodmansee, Jeff Buchanan, (Working Partnership USA); Lorena Chavez, Gillian, (D6); Frank Kioshi, Cristina Arson, Robert Aguirre, Richard Nguyen, George Sanchez, Last digits of telephone # 5140, (D9); Scot Largent, and Trustee Albert Gonzalez.

Action: Upon motion by Councilmember Sylvia Arenas to move approval of staff report, seconded by Vice Mayor Chappie Jones, and carried unanimously, the COVID-19 Digital Inclusion Expenditure Plan was approved, including approval of Memorandum from Councilmember Arenas to:

- 1) Accept the Mayor's memo
- 2) Accept staff report and funding strategy as reflected in staff memo and attachments

(Item Continued on the Next Page)

3.9 20-757

COVID-19 Digital Inclusion Expenditure Plan. (Cont'd)

- 3) Include in the next report on Digital Inclusion to the Neighborhood Services and Education Committee the following:
- a. An update on how we can expand outdoor Wi-Fi to reuse centers and other city facilities in the most high needs areas (based on the Digital Access Priority Index)
 - b. Provide an update on East Side Access and provide information necessary for a thorough discussion on how we can accelerate the timeline for Phase 2 and Phase 3 school service areas
 - c. Provide an update on how we are going to ensure that we effectively get the 3,000 hotspots (those not set aside for schools) into our community to high needs residents
- 4) Allocate \$11,000 from the funding for Outdoor WiFi at Libraries, Community Centers, and Parks to add Welch Park Community Center to the plan approved today.

Also approved was Memorandum from Mayor Liccardo to:

1. Approve the funding strategy for the proposed investment of Coronavirus Relief Fund, Digital Inclusion Fund, and Community Development Block Grant dollars in specific projects that provide broadband services and connectivity devices for unconnected and under-connected San José students and residents
2. Negotiate and execute an agreement to provide connectivity to residents impacted by COVID-19 for a one-year term with maximum compensation not to exceed \$3,430,000
3. Update Council regarding the communications plan with our school district partners and their families to ensure that
 - (a) there is clear awareness about the lack of a funding source for the ongoing \$3 million annual cost for cellular service subscriptions beyond the first year, and
 - (b) school districts understand the need to convene to discuss funding options.

Additional clarification was given for the next report on Digital Inclusion to be provided at the Neighborhood Services and Education Committee Meeting.
(9-0-2. Absent: Esparza. Recused: Khamis.)

(b) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with AT&T to provide connectivity to residents impacted by COVID-19 for a limited duration for a one year term with maximum compensation not to exceed \$3,430,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Library)

[Rules Committee referral 6/17/20 - Item A.1.a]

Action: **Resolution No. 79613** was adopted.

3.10 20-769 Extension of Proclamation of Local Emergency Related to COVID-19.

Recommendation: Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of San José.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

There was no presentation for this item.

Public Comments: Offering comments on the Extension of Proclamation of Local Emergency Related to COVID 19, were: Tessa Woodmansee, Blair Beekman, Scot Largent, Robert Aguirre, Moto G., and Last four digits of telephone #: 5140.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79623** was adopted.
(10-0-1. Absent: Esparza)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****5.1 20-702 Norman Y. Mineta San José International Airport Marketing Strategy and Execution Consultant Services Agreements.**

Recommendation: Adopt a resolution:
(a) Approving the final ranking of the respondents to the Marketing Strategy and Execution Services RFQ; and
(b) Authorizing the City Manager to negotiate and execute up to five Master Consultant Agreements with the five highest-ranked respondents and with the next highest-ranked respondents, in order, in the event that the City cannot reach agreement with any one or more of the five highest-ranked proposers, in an amount not to exceed \$9,600,000 for each Agreement for a term of five years from the date of execution by the City and for a total expenditure for all executed Master Consultant Agreements not to exceed \$9,600,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

There was no presentation for this item.

Airport Aviation Director John Aiken responded to questions.

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5.1 20-702 Norman Y. Mineta San José International Airport Marketing Strategy (Cont'd)

Public Comments: Offering comments were: Tessa Woodmansee, Last digits of telephone #: 5147, Robert Aguirre, Blair Beekman, Scot Largent, Unnamed speaker, Martha O'Connell.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Sergio Jimenez, and carried unanimously, **Resolution No. 79614** was adopted.

(10-0-1. Absent: Esparza)

5.2 20-703 Amendment to the Design-Build Contract with Hensel Phelps Construction Company for the Airport Economy Lot Parking Garage Project.**Recommendation:**

Adopt a resolution:

(a) Authorizing the Director of Public Works to negotiate and execute a First Amendment to the Design-Build Contract with Hensel Phelps Construction Company to increase the Contract Price by \$4,704,390 for a total amount not to exceed \$34,654,390 for the Airport Economy Lot Parking Garage Project; and

(b) Authorizing the Director of Public Works to approve contract changes, additions, and contingencies up to the full budget appropriation of \$42,628,000 for the Airport Economy Lot Parking Garage Project as budgeted at the October 22, 2019 City Council meeting under Resolution No. 79274.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 67380 and 71451) and Addenda thereto, File No. PP19-012.

(Airport/Public Works)

There was no presentation for this item.

Airport Aviation Director John Aiken responded to questions.

Public Comments: There were no cards.

Action: Upon motion by Councilmember Sergio Jimenez to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79615** was adopted.

(10-0-1. Absent: Esparza)

5.3 20-704 Delegation of Authority to Award Pavement Construction Contracts.**Recommendation:**

Adopt a resolution authorizing the Director of Transportation to:

(a) Award and execute the 8547 - OBAG2 (North) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$12,800,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$640,000; and

(Item Continued on the Next Page)

5.3 20-704**Delegation of Authority to Award Pavement Construction Contracts. (Cont'd)**

(b) Award and execute the 8549 - OBAG2 (South) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$11,700,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$585,000; and

(c) Award and execute 9459 - 2020-2022 Local Streets Resurfacing Project (Multi-Year), in a total amount during the initial term not to exceed \$10,000,000, establish a construction contingency of up to 10% of the contract amount, not to exceed \$1,000,000, and do the following with regard to this contract:

(1) Exercise 2 separate options, with each option being for a period of one year for a total amount not to exceed \$10,000,000, contingent on the appropriation of sufficient funds; and

(2) Establish a construction contingency for any option year of up to 10%, contingent on the appropriation of sufficient funds; and

(d) As to each of the above construction contracts, decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the projects.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

There was no presentation for this item.

Airport Aviation Director John Aiken responded to questions.

Public Comments: Offering comments on the Delegation of Authority to Award Pavement Construction Contracts, were: Unnamed speaker, Tessa Woodmansee, and Blair Beekman.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Pam Foley, and carried unanimously, **Resolution No. 79616** was adopted, and staff report approved.
(10-0-1. Absent: Esparza)

5.4 20-705**Retroactive Approval of Suspended Parking Operations and Amendments to Various Parking Agreements and Master Parking Rate Schedule.****Recommendation:**

(a) Retroactive Council approval of suspended parking operations which provided for free daily parking within the City's downtown public lots and garages; and at on-street meters through June 30, 2020 and delegate authority to the City Manager on specific timing to resume paid parking operations.

There was no presentation for this item.

Public Works Director Matt Cano responded to questions.

Public Comments: Offering comments were: Tessa Woodmansee, Blair Beekman, Scott Knies, Robert Aguirre, Last digits of telephone #: 4150, and Moto G.

(Item Continued on the Next Page)

5.4 20-705**Retroactive Approval of Suspended Parking Operations and (Cont'd)**

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Dev Davis, and carried unanimously, staff report, was approved. (10-0-1. Absent: Esparza)

(b) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to parking agreements with various downtown businesses, government agencies, taxi companies, and car share vendor to provide temporary financial relief which may include: (1) reduction or waiving of monthly parking fees with repayment terms subject to negotiations with a not to exceed value of 50% of the agreements monthly value; (2) waiving of late fees; and (3) extending term length.

Action: **Resolution No. 79617** was adopted.

(c) Adopt a resolution to amend the Master Parking Rate Schedule updating parking programs and rates which will support downtown businesses through a recovery period and in a post COVID-19 environment.

(d) Direct Staff to review options and return to City Council with recommendations on a potential parking citation delinquent fee amnesty program.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Transportation)

Action: **Resolution No. 79618** was adopted.

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 20-717****Extension of Eviction Moratorium, Report on Legislative Updates at State and Federal Levels, and Rent Stabilization Program Outreach Efforts.****Recommendation:**

(a) Adopt a resolution extending the temporary moratorium to July 31, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.

Housing Director Jacky Morales-Ferrand, Deputy Director Rachel VanderVeen, SV@Home Executive Director Leslye Corsiglia, and Deputy City Attorney Chris Alexander, gave a presentation and responded to questions.

Public Comments: Offering comments on the Extension of Eviction Moratorium, Report on Legislative Updates at State and Federal Levels, and Rent Stabilization Program Outreach Efforts were: Blair Beekman, Martha O'Connell, Jessie Amery, Robert Aguirre, Mathew Reid, Jeff Buchanan, (representing Working Partnerships USA); Michael Trujillo, Anil Baber, and Tessa Woodmansee.

City Attorney Rick Doyle observed that this item is a policy issues and can be extended August 31, 2020, and that the emergency expires on August 23, 2020

(Item Continued on the Next Page)

8.1 20-717 Extension of Eviction Moratorium, Report on Legislative Updates at (Cont'd)

Action: Upon motion by Councilmember Magdalena Carrasco to move approval, seconded by Councilmember Johnny Khamis, and carried unanimously, Resolution No. 79619 was adopted including approval of Memorandum from Councilmember Carrasco

to:

Accept the staff recommendation with one amendment to:

- (a) Adopt a resolution extending the temporary moratorium to August 31, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.

Also approved was additional clarification amending Councilmember Magdalena Carrasco's memo to August 31, 2020, with notation that this will provide residents an opportunity to breathe easily while Council is recessed, not in session, and/or unable to convene quickly enough in the event of an emergency.

(10-0-1. Absent: Esparza)

- (b) Accept the staff report providing a review of pending legislation affecting the rental community in response to COVID-19.

- (c) Accept the staff report providing an update for outreach and education conducted by the Rent Stabilization Program.

- (d) Accept the staff report providing an update on the convenings facilitated by Silicon Valley at Home.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Housing)

Action: Staff reports were accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE****10.1 Land Use on Consent Calendar**

- (a) 20-710 **C20-009 & CP20-011 - Conforming Rezoning and Conditional Use Permit for the Doubletree Hotel located at 2050 Gateway Place.**

Recommendation: (a) Approve an ordinance rezoning certain real property from the A(PD) Planned Development Zoning District to the IP Industrial Park Zoning District on an approximately 12.41-gross acre site.

There was no presentation for this item.

Public Comments: There were no cards.

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10.1 Land Use on Consent Calendar (Cont'd)

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Ordinance No. 30439 was passed for publication.

(10-0-1. Absent: Esparza)

(b) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow an existing hotel to increase the number of guest rooms from 505 to 515 through the conversion of meeting rooms and presidential suites located on the northwest corner of Gateway Place and Airport Parkway (2050 Gateway Place).

CEQA: Categorically Exempt, CEQA Guidelines to Section 15301(a) for Existing Facilities. C20-009 & CP20-011, Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement)

Action: **Resolution No. 79620** was adopted.

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

10.2 20-711 PDC18-016 & PD19-011 - Planned Development Rezoning and a Planned Development Permit for Real Property located on the west side of Meridian Avenue, approximately 290 feet northerly of West San Carlos Street (259 Meridian Avenue; APN: 274-14-152).

Recommendation: (a) Adopt a resolution adopting the 259 Meridian Avenue Residential Mixed-Use Development Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan (MMRP), in accordance with the California Environmental Quality Act (CEQA).

Planning, Building and Code Enforcement Director, Rosalyn Hughey gave a presentation and responded to questions.

The Applicant, represented by Anthony Ho provided comments.

Public Comments: Offering comments were: Alex Shure, (representing Catalyze SV); Tessa Woodmansee, Rob Aguirre, and Blair Beekman.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 79621** was adopted.

(10-0-1. Absent: Esparza)

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10.2 20-711

PDC18-016 & PD19-011 - Planned Development Rezoning and a Planned (Cont'd)

(b) Approve an ordinance rezoning the approximately 1.39-gross acre site located on the west side of Meridian Avenue, approximately 290 feet northerly of West San Carlos Street (259 Meridian Avenue), from the R-2 Two-Family Residence and the CO Commercial Office Zoning Districts to the CP(PD) Planned Development Zoning District.

Action: **Ordinance No. 30440** was passed for publication.

(c) Adopt a resolution approving, subject to conditions and with the deletion of condition of approval number 36.m.iv related to an emergency access driveway, a Planned Development Permit to allow the demolition of three existing buildings totaling approximately 19,000 square feet and the construction of a four to seven-story mixed-use building with up to 226 residential units, up to a 45 percent parking reduction with Transportation Demand Management measures, and approximately 1,400 square feet of ground-floor commercial square feet on an approximately 1.39 gross acre site. CEQA: 259 Meridian Mixed Use Project Mitigated Negative Declaration, PDC18-016 & PD19-011, Planning Commission recommends approval (6-0-0). Council District 6. (Planning, Building and Code Enforcement)

Action: **Resolution No. 79622** was adopted.

MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

The Council meeting was teleconferenced from remote locations. The Council of the City of San José convened for Closed Session by teleconference at 9:33AM on Tuesday, June 23, 2020.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Diep, Carrasco, Davis, Arenas, Foley, Khamis.

Absent: Councilmembers - Esparza.

Upon motion unanimously adopted, Council recessed at 10:08 AM. to a Closed Session by teleconference to: (A) confer with legal counsel existing litigation pursuant to government code section 54956.9(d)(1): 1. Case Name: Sutter's Place. Inc, dba Bay 101 v. City. Name(s) of Parties(s) Involved: Sutter's Place, Inc. dba Bay 101; City of San Jose; The Division of Gaming Control. Court: Superior Court of California, County of Santa Clara. Case No.: 1-13-CV-258057. Amount of Money or Other Relief Sought: Damages according to proof. 2. Case Name: Willow Glen Trestle Conservancy v. City, et al. Name(s) of Parties(s) Involved: Willow Glen Trestle Conservancy; City of San Jose, City of San Jose Department of Public Works; And Does 1-5. Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction. Case No.: 20-CV-367292. Amount of Money or Other Relief Sought: Petition for Writ of Mandamus. (B) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) San José Police Officers' Association (SJPOA). Nature of Negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association.

By unanimous consent, Council recessed from the Closed Session at 10:08 AM to reconvene to Regular Session at 11:02 AM by teleconference.

• **OPEN FORUM**

1. Tessa Woodmansee offered comments on developments in her Willow Glen neighborhood.
2. Blair Beekman commented on disaster capitalism, accountability and technology, as well as good policing ideas for the community.
3. Eric Dale stated that the Santa Clara Unified School District is building three new schools to serve the children in North San José.
4. Robert Aguirre observed that we should be working together with State and County officials to find a property to move the trailers at Kelly Park, so that people can continue living in them.
5. Stella Kemp, Superintendent of the Santa Clara Unified School District read into the record the letter she sent to the Mayor Liccardo, and thanked the Mayor for responding to her letter.
6. Last four digits of telephone #: 1367 proposed an Ad Hoc Committee chaired by Councilmember Davis to have oversight of the millions of dollars expected at the City from the Cares Act because we do not need another fiasco like we had recently.
7. Albert Gonzalez: commented on the needs of students from Aviso and North San José in terms of equal opportunities.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 7:07PM

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

lo/6-23-20 MIN

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